

**Security Council**

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Letter dated 31 January 2001 from the President of the Security Council addressed to the Secretary-General

The members of the Security Council express their deep appreciation for your letter of 12 January 2001 (S/2001/40). The members of the Council share your analysis of the importance and role of the phrase "persons who bear the greatest responsibility". The members of the Council, moreover, share your view that the words beginning with "those leaders who ..." are intended as guidance to the Prosecutor in determining his or her prosecutorial strategy.

The members of the Council are not in agreement that it would be appropriate in the case of the Special Court for Sierra Leone to be formed pursuant to resolution 1315 (2000) for the President of the Special Court to be empowered in the manner suggested in the proposed reformulation of article 1 (c) of the draft Statute of the Court.

The members of the Council continue to believe it is extremely unlikely that juvenile offenders will in fact come before the Special Court and that other institutions, such as the Truth and Reconciliation Commission, are better suited to address cases involving juveniles. With that said, Council members are pleased to concur in your suggested redrafting of article 7.

The members of the Council, moreover, appreciate the spirit of understanding and compromise you have shown with regard to the funding of the exercise. The members of the Council recognize that you will need to undertake the tasks involved in establishing the Court in a manner which reflects the process pursuant to which your requirements concerning funding are being complied with.

The members of the Council, moreover, are in concurrence with your proposal to seek concurrent information from States with respect to the preparedness to contribute funds, services and personnel before the entry into force of the agreement with the Government of Sierra Leone.

(Signed) Kishore Mahbubani
President of the Security Council